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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,165	09/26/2001	Olaf Vancura	2001/3	3934

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EXAMINER

MENDOZA, ROBERT J

ART UNIT PAPER NUMBER

3713

DATE MAILED: 07/09/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/965,165

Applicant(s)

VANCURA, OLAF

Examiner

Robert J Mendoza

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (USPN 6,190,255) in view of Joshi (USPN 6,485,367).

Thomas discloses a method for playing a casino game of chance for a bet with random entry from a base to a bonus game of the casino game of chance by disclosing in col. 3:46-48 & col. 5:2-6, a slot machine that may be utilized to play both a “basic” game and a secondary or “bonus” game. The appearance of a “start-bonus” symbol on the designated number of reels, in the designated display position(s) represents a “start-bonus” outcome causing the processor to shift operation from the basic game to a bonus game. Thomas discloses triggering symbols required during play of the base game on a slot machine for entry into the bonus game by disclosing in col. 4:61-64, a winning combination may be defined by the processor to occur when a special “start-bonus” symbol appears on one or more of the reels in any predetermined display position. Thomas discloses a video touch screen by disclosing in col. 10:36-38, utilizing a touch-screen display, the desired window is selected by simply touching the screen. However, Thomas lacks in disclosing depicting to the player, before, upon or during play of the base game, information about a plurality of aspects for playing a bonus game, allowing the player to pre-select one of the plurality of aspects for playing the bonus game before, upon or during play of

Art Unit: 3713

the base game, and basing the play of the bonus game upon the pre-selected aspect of the bonus game so that the playing of the bonus game is customized by the player in accord with the pre-selected aspect. Moreover, Thomas lacks in disclosing pre-selecting other aspects of the game of chance. Joshi, in an analogous gaming system, teaches, in col. 3:57-67 & col. 4:1-34, alternatively, the player may place another wager and initiate another play of the game as described above. As noted above, the game of chance is interactive in that, after the plurality of symbol bearing indicia are initially displayed during play, the game requires the player to make at least one selection (either in the main game or bonus game) that influences an outcome of the play. In accordance with the present invention, based on the player's selections during one or more previous plays, the CPU adjusts one or more parameters of the game for future plays. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the teachings of Joshi into the disclosed invention of Thomas. One would be motivated to combine the teaching of Joshi with the disclosure of Thomas in order to improve the psychological approach gaming players have towards games of chance by providing players with a sense of comfort, and enhance a player's bonus game experience.

Claims 2-7, 9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (USPN 6,190,255) in view of Joshi (USPN 6,485,367) in further view of Trivial Pursuit Millennium Edition.

The disclosures of both Thomas and Joshi have been discussed above and are, therefore, incorporated herein. However, Thomas and Joshi lack in disclosing presenting trivia questions, permitting choices of trivia answers, choosing one of a plurality of categories for questions including the difficulty of the questions based on the player adeptness for answering trivia

Art Unit: 3713

questions from the group of categories. Moreover, Thomas and Joshi lack in disclosing changing symbols to be thematic with aspect of the game, wedges for the plurality of aspects, showing what the player has pre-selected, making the showing so that the pre-selection is apparent, and different colors on its top box. Yet, Trivial Pursuit Millennium Edition teaches presenting trivia questions (pg. 2:10-14), permitting trivia answers (pg. 7), choosing categories, pgs. 5 & 8, including difficulty of the questions based on the player adeptness for answering trivia questions from the group of categories, pg. 9. Trivial Pursuit Millennium Edition also teaches backgrounds appropriately change color for the question, wedges for the plurality of game aspects and a number of cute images and animations (pg. 3:1-10 & pg. 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Trivial Pursuit Millennium Edition into the disclosed inventions of Thomas and Joshi. One would be motivated to combine the teachings of Trivial Pursuit Millennium Edition with disclosures of Thomas and Joshi in order to allow gaming players to intellectually engage themselves in a game of chance, as well as invoke more interaction between players and gaming machines.

#### **Response to Arguments**

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3713

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to gaming systems:

USPN 6,331,144 Walker et al. discloses a gaming system that incorporates a game of knowledge

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached at (703) 308-2126.

RM

RM  
June 30, 2003



Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700